

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
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SO. DIST. OF GA.

UNITED STATES OF AMERICA )

v. )

KENDALL ALPHONZO STEVENS, )

Defendant. )

CASE NO. CR413-203

O R D E R

A jury trial in this case for Defendant Kendall Alphonzo Stevens is scheduled to begin at 9:00 a.m. on Monday, March 2, 2015. For the last week, this Court's Deputy Clerk has repeatedly attempted to communicate with counsel for Defendant Stevens, Mr. Caleb Burch Banks, concerning the impending trial. It is the Court's understanding that telephone calls have been placed to two separate numbers provided by Mr. Banks. However, phone calls to the first number have been forwarded to a voicemail account, where a recorded message states that the voice mailbox is full. Repeated phone calls to the second number have remained unanswered, with no opportunity to leave a message. To date, the Court has been unable to communicate with Mr. Banks about the upcoming trial.

Additionally, the Court's review of the record in this case, along with information provided by counsel for the Government, gives the Court some cause for concern. The docket

indicates that Mr. Banks did not file any pretrial motions on Defendant Steven's behalf. Additionally, Mr. Banks failed to file any proposed voir dire or jury charges in anticipation of trial. The Government has informed the Court that Mr. Banks did not attend any hearings in this case involving co-Defendants Durrell Jones, Hall, and Randy Jones, including one that directly involved potentially incriminating actions by Defendant Stevens. To the Government's knowledge, Mr. Banks has neither interviewed any potential witnesses in this case, including the Government's case agent, nor contacted the Federal Bureau of Investigation to review the video evidence. Finally, the Government also maintains that it has had no meaningful communication with Mr. Banks regarding his representation of Defendant Stevens in this matter.

Based on this information, the Court is particularly concerned as to whether Mr. Banks will be adequately prepared to provide Defendant Stevens with a competent defense for a trial less than seventy-two hours from now. Given these trepidations and the potential prejudice faced by Defendant Stevens, the Court sees little option but to remove this case from its trial calendar. Accordingly, the jury trial set in this case for 9:00 a.m. on Monday, March 2, 2015 is hereby **CANCELLED**. The Court will schedule a hearing to examine these issues at the earliest possible convenience.

Additionally, Defendant Stevens's speedy trial clock **SHALL BE TOLLED** from the date of this order until further notice. The Court's apprehensions regarding the ability of Mr. Banks to provide Defendant Stevens a competent defense at the impending trial outweigh both the public's and Defendant Stevens's interest in a speedy trial. Accordingly, the Court concludes that the ends of justice served by a continuance outweigh the best interests of the public and Defendant Stevens in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED this 27<sup>th</sup> day of February 2015.

A handwritten signature in blue ink, appearing to read "W. T. Moore, Jr.", is written over a horizontal line.

WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA